



Journal of the Senate

State of Indiana

115th General Assembly

Second Regular Session

Fourth Meeting Day

Monday Afternoon

January 14, 2008

The Senate convened at 1:47 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Habibe Ali, Islamic Society of North America.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Lubbers
Becker	Meeks
Boots	Merritt
Bray	Miller
Breaux	Mishler
Brodén	Mrvan
Charbonneau	Nugent
Deig	Paul
Delph	Riegsecker ▣
Dillon	Rogers
Drozda	Simpson
Errington	Sipes
Ford	Skinner
Gard	Smith
Hershman	Steele
Howard ▣	Tallian
Hume	Walker
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R. ▣
Lewis	Zakas

Roll Call 7: present 47; excused 3. [Note: A ▣ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

SB 337 — Steele (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

SB 338 — Merritt (Homeland Security, Transportation & Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 339 — Merritt (Homeland Security, Transportation & Veterans Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 340 — Kruse (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 341 — Dillon (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 342 — Dillon (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

SB 343 — Tallian (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 344 — Jackman, Weatherwax (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

SB 345 — Jackman, Weatherwax (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 346 — Delph (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 347 — Delph (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 348 — R. Young (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

SB 349 — R. Young, Smith (Tax and Fiscal Policy)

A BILL FOR AN ACT concerning taxation and to make an appropriation.

SB 350 — Lawson (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

SB 351 — Nugent, Weatherwax (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 352 — Paul (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

SB 353 — Lanane (Commerce, Public Policy & Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 354 — Broden (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

SB 355 — Broden, Smith (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning cemeteries.

SB 356 — Nugent (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 357 — Breaux (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 358 — Breaux (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 359 — Hershman (Utilities & Regulatory Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning local government and to make an appropriation.

SB 360 — Hershman (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 361 — M. Young (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 362 — Simpson (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

SB 363 — Simpson (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

SB 364 — Tallian (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 365 — Mrvan (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning public safety and to make an appropriation.

SB 366 — Skinner (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 367 — Skinner (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

SB 368 — Skinner (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SJR 21 — Breaux (Energy and Environmental Affairs)

A JOINT RESOLUTION proposing an amendment to Article 15 of the Constitution of the State of Indiana by adding a new Section concerning natural resources.

SJR 22 — M. Young (Local Government and Elections)

A JOINT RESOLUTION proposing an amendment to Articles 5, 6, 8, and 15 of the Constitution of the State of Indiana concerning state and local administration.

RESOLUTIONS ON FIRST READING**Senate Concurrent Resolution 18**

Senate Concurrent Resolution 18, introduced by Senators Nugent and Paul:

A CONCURRENT RESOLUTION urging the United States Congress to appoint an independent counsel to investigate the Prisoner of War - Missing in Action issue.

Whereas, The Prisoner of War - Missing in Action (POW/MIA) issue has been a national dilemma since the end of World War II;

Whereas, There is a strong need for an independent investigation into all unresolved matters relating to any United States personnel unaccounted for from the Vietnam era, the Korean conflict, World War II, Cold War Missions, or Gulf War, including MIAs and POWs;

Whereas, It is the responsibility and the duty of the United States government to bring home Americans missing in action from the Vietnam War, the Cold War, the Korean War, World War II, and Desert Storm;

Whereas, As of July 2005, the Government Accountability Office listed 88,115 service men and women unaccounted for from World War II, Korean/Cold War conflicts, Vietnam War, Gulf War, and other current conflicts;

Whereas, American POWs and their missing comrades have demonstrated the true spirit of our nation and should never be forgotten;

Whereas, The families of these inspiring Americans deserve to know what truly happened to their loved ones; and

Whereas, Americans from every generation have answered the call to duty with dedication and valor; these brave Americans deserve the respect and gratitude of our nation and all efforts should be made to resolve the Prisoner of War - Missing in Action issue in their honor: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly urges the United States Congress to appoint an independent counsel to investigate the Prisoner of War - Missing in Action issue.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to the Speaker of the United States House of Representatives, the President Pro Tempore of the United States Senate, and the members of the Indiana Congressional delegation.

The resolution was read in full and referred to the Committee on Homeland Security, Transportation and Veterans Affairs.

Senate Concurrent Resolution 20

Senate Concurrent Resolution 20, introduced by Senator Skinner:

A CONCURRENT RESOLUTION urging the establishment of an interim study committee to examine the need for home school guidelines.

Whereas, Home schooling is increasing in popularity; recent statistics indicate that as many as 2,000,000 children are home schooled, which is approximately 2% of the school-aged population of our country;

Whereas, Home schooling is legal in all fifty U.S. states, but the laws vary from state to state; and

Whereas, Since it is likely that the number of home schooled children will continue to grow, it behooves the state of Indiana to study the possible need for some defined home schooling guidelines: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the legislative council is urged to establish a committee to examine the need for establishing home school guidelines.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council, and that the committee shall issue a final report when directed to do so by the council.

The resolution was read in full and referred to the Committee on Education and Career Development.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 93, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-1-2-1, AS AMENDED BY P.L.27-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. (a) Except as provided in section 1.1 of this chapter, "public utility", as used in this chapter, means every corporation, company, partnership, limited liability company, individual, association of individuals, their lessees, trustees, or receivers appointed by a court, that may own, operate, manage, or control any plant or equipment within the state for the:

- (1) conveyance of telegraph or telephone messages;
- (2) production, transmission, delivery, or furnishing of heat, light, water, or power; or
- (3) collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste.

The term does not include a municipality that may acquire, own, or operate any of the foregoing facilities or a landlord or person acting on a landlord's behalf that distributes water or sewage disposal service from a public utility to a dwelling unit and bills tenants for water or sewage disposal service and related administrative costs separate from rent.

(b) "Municipal council", as used in this chapter, means the legislative body of any town or city in Indiana wherein the property of the public utility or any part thereof is located.

(c) "Municipality", as used in this chapter, means any city or town of Indiana.

(d) "Rate", as used in this chapter, means every individual or joint rate, fare, toll, charge, rental, or other compensation of any utility or any two (2) or more such individual or joint rates, fares, tolls, charges, rentals, or other compensation of any utility or any schedule or tariff thereof, but nothing in this subsection shall give the commission any control, jurisdiction, or authority over the rate charged by a municipally owned utility except as in this chapter expressly provided.

(e) "Service" is used in this chapter in its broadest and most inclusive sense and includes not only the use or accommodation afforded consumers or patrons but also any product or commodity furnished by any public or other utility and the plant, equipment, apparatus, appliances, property, and facility employed by any public or other utility in performing any service or in furnishing any product or commodity and devoted to the purposes in which such public or other utility is engaged and to the use and accommodation of the public.

(f) "Commission", as used in this chapter, means the commission created by IC 8-1-1-2.

(g) "Utility", as used in this chapter, means every plant or equipment within the state used for:

- (1) the conveyance of telegraph and telephone messages;

(2) the production, transmission, delivery, or furnishing of heat, light, water, or power, either directly or indirectly to the public; or

(3) collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste.

The term does not include a municipality that may acquire, own, or operate facilities for the collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste. A warehouse owned or operated by any person, firm, limited liability company, or corporation engaged in the business of operating a warehouse business for the storage of used household goods is not a public utility within the meaning of this chapter.

(h) "Municipally owned utility", as used in this chapter, includes every utility owned or operated by a municipality.

(i) "Indeterminate permit", as used in this chapter, means every grant, directly or indirectly from the state, to any corporation, company, partnership, limited liability company, individual, association of individuals, their lessees, trustees, or receivers appointed by a court, of power, right, or privilege to own, operate, manage, or control any plant or equipment, or any part of a plant or equipment, within this state, for the:

(1) production, transmission, delivery, or furnishing of heat, light, water, or power, either directly or indirectly to or for the public;

(2) collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste; or

(3) furnishing of facilities for the transmission of intelligence by electricity between points within this state; which shall continue in force until such time as the municipality shall exercise its right to purchase, condemn, or otherwise acquire the property of such public utility, as provided in this chapter, or until it shall be otherwise terminated according to law.

(Reference is to SB 93 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Utilities and Regulatory Affairs.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 98, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-21.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)]:

Chapter 21.3. Payments in Lieu of Property Taxes

Sec. 1. As used in this chapter, "department" refers to the department of natural resources.

Sec. 2. As used in this chapter, "PILOT" refers to a payment in lieu of taxes.

Sec. 3. As used in this chapter, "statewide agricultural land value base" means the statewide land value base for one (1) acre of agricultural land, as determined by the department of local government finance and in effect on March 1 of the year immediately preceding the year in which a PILOT is due and payable under this chapter.

Sec. 4. (a) This section does not apply to property owned or leased by the department and used as a state park.

(b) The following are authorized to collect a PILOT from the department:

(1) A county in which land described in subsection (c) is located.

(2) A conservancy district in which land described in subsection (c) is located.

(c) The department shall make a PILOT on May 1 and November 1 of each year with respect to land that is:

(1) owned or leased by the department on March 1 of the previous year; and

(2) subject to an exemption from property taxes.

Sec. 5. The PILOT paid under section 4 of this chapter equals the amount of property taxes that would have been levied upon the land described in section 4(c) of this chapter if the land were assigned an assessed value equal to the product of:

(1) the number of acres included in the parcel of land; multiplied by

(2) thirty-three and one-third percent (33 1/3%) of the statewide agricultural land value base.

Sec. 6. Not later than September 1 of each year, the auditor of state shall provide the township assessor of each township in which land described in section 4(c) of this chapter is located with a report of:

(1) the number of acres of land described in section 4(c) of this chapter that are located in the township; and

(2) any other information required by the department of local government finance;

on a form prescribed by the department of local government finance. However, with the consent of the department of local government finance, the auditor of state may distribute the information required under this section in an electronic format.

Sec. 7. A PILOT is billed, is due, bears interest if unpaid, and is distributed to a political subdivision described in section 4(b) of this chapter in the same manner as ad valorem taxes on property. A PILOT is treated in the same manner as a property tax for purposes of the procedural and substantive provisions of law.

Sec. 8. The department of local government finance shall prescribe a form for the transfer of information required under section 6 of this chapter. The department of local government finance may adopt standards for the transfer of information under section 6 of this chapter that are necessary to assist townships, counties, and conservancy districts with the implementation of this chapter.

Sec. 9. (a) The PILOT transfer account is established within the state general fund to provide money for the distributions of PILOTS under section 7 of this chapter. The account is administered by the auditor of state.

(b) Expenses of administering the account are paid from money in the account.

(c) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested.

(d) Money in the account at the end of a state fiscal year does not revert to the state general fund.

(e) There is annually appropriated from the state general fund to the account the amount necessary to make the distributions under section 7 of this chapter.

(f) There is continuously appropriated from the account an amount necessary to make the distributions under section 7 of this chapter.

SECTION 2. [EFFECTIVE JANUARY 1, 2008 (RETROACTIVE)] (a) Notwithstanding IC 6-1.1-21.3, as added by this act, a PILOT (as defined in IC 6-1.1-21.3-2, as added by this act) is initially due for property taxes first due and payable after December 31, 2008.

(b) The department of local government finance shall prescribe, not later than August 1, 2008, a form for reporting the information required under IC 6-1.1-21.3-6, as added by this act.

(c) This SECTION expires December 31, 2009.

SECTION 3. An emergency is declared for this act.

(Reference is to SB 98 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Appropriations.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 102, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning elections.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE JULY 1, 2008] (a) Notwithstanding any other law, an individual elected to a local office at the 2011 general election takes office at noon, January 1, 2013.

(b) The term of office of an individual described in subsection (a) expires at noon, January 1, 2017.

(c) The successors of individuals described in subsection (a) shall be elected at the November 2016 general election.

(d) During the 2008 interim, the legislative services agency shall prepare appropriate legislation to amend IC 3 to implement this act and to provide that all municipal elections be held in even-numbered years.

(e) This SECTION expires June 30, 2017.

(Reference is to SB 102 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Local Government and Elections.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 105, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-21.5-2-5, AS AMENDED BY P.L.1-2007, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 5. This article does not apply to the following agency actions:

(1) The issuance of a warrant or jeopardy warrant for the collection of taxes.

(2) A determination of probable cause or no probable cause by the civil rights commission.

(3) A determination in a factfinding conference of the civil rights commission.

(4) A personnel action, except review of a personnel action by the state employees appeals commission under IC 4-15-2 or a personnel action that is not covered by IC 4-15-2 but may be taken only for cause.

(5) A resolution, directive, or other action of any agency that relates solely to the internal policy, organization, or procedure of that agency or another agency and is not a licensing or enforcement action. Actions to which this exemption applies include the statutory obligations of an agency to approve or ratify an action of another agency.

(6) An agency action related to an offender within the jurisdiction of the department of correction.

(7) A decision of the Indiana economic development corporation, the office of tourism development, the department of environmental management, the tourist information and grant fund review committee (before the repeal of the statute that created the tourist information and grant fund review committee), the Indiana finance authority, the corporation for innovation development, or the lieutenant governor that concerns a grant, loan, bond, tax incentive, or financial guarantee.

(8) A decision to issue or not issue a complaint, summons, or similar accusation.

(9) A decision to initiate or not initiate an inspection, investigation, or other similar inquiry that will be conducted by the agency, another agency, a political subdivision, including a prosecuting attorney, a court, or another person.

(10) A decision concerning the conduct of an inspection, investigation, or other similar inquiry by an agency.

(11) The acquisition, leasing, or disposition of property or procurement of goods or services by contract.

(12) Determinations of the department of workforce development under IC 22-4-18-1(g)(1) or IC 22-4-41.

(13) A decision under IC 9-30-12 of the bureau of motor vehicles to suspend or revoke a driver's license, a driver's permit, a vehicle title, or a vehicle registration of an individual who presents a dishonored check.

(14) An action of the department of financial institutions under IC 28-1-3.1 or a decision of the department of financial institutions to act under IC 28-1-3.1.

(15) A determination by the NVRA official under IC 3-7-11 concerning an alleged violation of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg) or IC 3-7.

(16) Imposition of a civil penalty under IC 4-20.5-6-8 if the rules of the Indiana department of administration provide an administrative appeals process.

(17) A determination of status as a member of or participant in an environmental performance based program developed and implemented under IC 13-27-8.

(18) A proceeding to establish paternity or child support by the department of child service or an administrative law judge under IC 31-25-5.

SECTION 2. IC 31-9-2-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: **Sec. 1.5. "Administrative law judge", for purposes of IC 31-25-5, means a person employed by the department of child services under IC 31-25-2-21.**

SECTION 3. IC 31-9-2-17.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: **Sec. 17.7. "Child support", for purposes of IC 31-25-5, includes child support, child support arrearage, foster care maintenance, medical support, and other reasonable support for a child.**

SECTION 4. IC 31-9-2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 18. "Child support guidelines", for purposes of IC 31-14-11-8, ~~and~~ IC 31-16-8-1, **and IC 31-25-5**, refers to the guidelines adopted by the Indiana supreme court.

SECTION 5. IC 31-9-2-82.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: **Sec. 82.5. "Negotiation conference", for purposes of IC 31-25-5, means a meeting between parties to discuss and determine paternity and a child support obligation of an obligor (as defined in IC 31-25-4-4).**

SECTION 6. IC 31-9-2-85, AS AMENDED BY P.L.103-2007, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 85. (a) "Obligee", for purposes of IC 31-16-15 and IC 31-16-16, means a person who is entitled to receive a payment under a support order.

(b) "Obligee" or "petitioner", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning

set forth in IC 31-18-1-14.

(c) "Obligee", for purposes of IC 31-25-5, means a person who is entitled to:

(1) receive payment under a support order (as defined in IC 31-9-2-125(a)); or

(2) seek services from a Title IV-D agency.

SECTION 7. IC 31-9-2-86, AS AMENDED BY P.L.145-2006, SECTION 203, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 86. (a) "Obligor", for purposes of IC 31-16-15 and IC 31-16-16, means an individual who has been ordered by a court to pay child support.

(b) "Obligor" or "respondent", for purposes of the Uniform Interstate Family Support Act under IC 31-18, has the meaning set forth in IC 31-18-1-15.

(c) "Obligor", for purposes of IC 31-25-4 **and IC 31-25-5**, has the meaning set forth in IC 31-25-4-4.

SECTION 8. IC 31-16-15-2.5, AS ADDED BY P.L.103-2007, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 2.5. (a) If, in a Title IV-D case, an income withholding order has not been issued with a support order under section 0.5 of this chapter **or the department of child services or an administrative law judge issues an order of support under IC 31-25-5**, a Title IV-D agency may:

(1) issue an income withholding order with the support order; and

(2) after providing notice under section 3.5 of this chapter, implement the income withholding order unless the court:

(A) stays the implementation of the income withholding order under section 0.5(c) of this chapter; and

(B) provides a written finding of the stay in the support order.

(b) In a Title IV-D case in which the implementation of an income withholding order was stayed under section 0.5(c) of this chapter, the Title IV-D agency may:

(1) after providing notice under section 3.5 of this chapter, lift the stay if the obligor's child support and arrearage payments are delinquent; or

(2) lift the stay if the obligor requests implementation of the income withholding order.

(c) In a Title IV-D case, if:

(1) an income withholding order was stayed under section 0.5(c) of this chapter; and

(2) an obligor requests the implementation of the income withholding order;

the Title IV-D agency is not required to give notice under section 3.5 of this chapter before implementing the income withholding order.

(d) An income withholding order issued under subsection (a):

(1) has the same force and effect; and

(2) is enforceable in the same manner;

as an income withholding order issued by a court.

(e) The total amount required to be withheld under an income withholding order implemented under this section is the sum of:

(1) the obligor's current child support obligation; plus

(2) the amount of arrearage payment ordered by the court; plus

(3) an additional amount as determined under subsection (f) for:

(A) any arrearage that has not been adjudicated, if no arrearage has been adjudicated previously; or

(B) any additional arrearage that:

(i) has not been adjudicated; and

(ii) accrues since the last adjudication of arrearage by the court.

(f) If an obligor subject to an income withholding order is in arrears, unless otherwise ordered by a court, the Title IV-D agency or its agent may increase the weekly amount withheld as follows:

(1) If the arrearages are at least five hundred dollars (\$500) and less than three thousand dollars (\$3,000), an additional amount of up to twenty dollars (\$20).

(2) If the arrearages are at least three thousand dollars (\$3,000) and less than five thousand dollars (\$5,000), an additional amount of up to twenty-five dollars (\$25).

(3) If the arrearages are at least five thousand dollars (\$5,000) and less than ten thousand dollars (\$10,000), an additional amount of up to thirty dollars (\$30).

(4) If the arrearages are at least ten thousand dollars (\$10,000) and less than fifteen thousand dollars (\$15,000), an additional amount of up to thirty-five dollars (\$35).

(5) If the arrearages are at least fifteen thousand dollars (\$15,000) and less than twenty thousand dollars (\$20,000), an additional amount of up to forty dollars (\$40).

(6) If the arrearages are at least twenty thousand dollars (\$20,000) and less than twenty-five thousand dollars (\$25,000), an additional amount of up to forty-five dollars (\$45).

(7) If the arrearages are at least twenty-five thousand dollars (\$25,000), an additional amount of up to fifty dollars (\$50).

(g) A court is not bound by and is not required to consider the additional amounts described in subsection (f) when ordering, modifying, or enforcing periodic payments of child support.

SECTION 9. IC 31-25-2-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: **Sec. 21. (a) The department shall employ a sufficient number of administrative law judges to hear and decide cases under IC 31-25-5.**

(b) An administrative law judge employed by the department is subject to rules adopted by the department under IC 4-22-2. IC 4-21.5 does not apply to a proceeding by an administrative law judge under IC 31-25-5.

SECTION 10. IC 31-25-4-17, AS AMENDED BY P.L.103-2007, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: **Sec. 17. (a) The bureau shall do the following:**

(1) Collect support payments when the payments have been assigned to the state by the application for assistance under Title IV-A.

(2) Assist in obtaining **or establishing** a support order, including an order for health insurance coverage under:

(A) IC 27-8-23;

(B) IC 31-14-11-3; or

(C) IC 31-16-6-4;

when there is no existing order and assistance is sought.

(3) Assist mothers of children born out of wedlock in establishing paternity and obtaining a support order, including an order for health insurance coverage under IC 27-8-23, when the mother has applied for assistance.

(4) Implement income withholding in any Title IV-D case:

(A) with an arrearage; and

(B) without an order issued by a court or an administrative agency.

(5) Enforce intrastate and interstate support orders using high volume automated enforcement features.

(6) Use a simplified procedure for the review and adjustment of support orders as set forth in 42 U.S.C. 666(a)(10).

(b) Whenever the bureau collects support payments on behalf of an individual who is no longer a member of a household that receives Title IV-A cash payments, the collected support payments (except collections made through a federal tax refund offset) shall be promptly distributed in the following order:

(1) Payment to the recipient of the court ordered support obligation for the month that the support payment is received.

(2) Payment to the recipient of the support payment arrearages that have accrued during any period when the recipient was not a member of a household receiving Title IV-A assistance.

(3) Payment to the state in an amount not to exceed the lesser of:

(A) the total amount of past public assistance paid to the recipient's family; or

(B) the amount assigned to the state by the recipient under IC 12-14-7-1.

(4) Payment of support payment arrearages owed to the recipient.

(5) Payment of any other support payments payable to the recipient.

(c) Whenever the bureau receives a payment through a federal tax refund offset on behalf of an individual who has received or is receiving Title IV-A assistance, the child support payment shall be distributed as follows:

(1) To the state, an amount not to exceed the lesser of:

(A) the total amount of past public assistance paid to the individual's family; or

(B) the amount assigned to the state by the individual under IC 12-14-7-1.

(2) To the individual, any amounts remaining after the distribution under subdivision (1).

(d) Except as provided in section 19.5 of this chapter, whenever the bureau collects a child support payment from any source on behalf of an individual who has never received Title IV-A assistance, the bureau shall forward all money collected to the individual.

(e) Whenever the bureau receives a child support payment on behalf of an individual who currently receives a Title IV-A cash payment or an individual whose cash payment was recouped, the child support payment shall be distributed as follows:

- (1) To the state, an amount not to exceed the lesser of:
 - (A) the total amount of past public assistance paid to the individual's family; or
 - (B) the amount assigned to the state by the individual under IC 12-14-7-1.
- (2) To the individual, any amounts remaining after the distribution under subdivision (1).

(f) Unless otherwise required by federal law, not more than seventy-five (75) days after a written request by a recipient, the bureau shall provide an accounting report to the recipient that identifies the bureau's claim to a child support payment or arrearage.

(g) The bureau, the department of child services, and the department of state revenue may not charge a custodial parent a fee to seek or receive a payment through a federal tax refund offset as described in subsection (c).

SECTION 11. IC 31-25-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]:

Chapter 5. Establishment of Paternity and Child Support

Sec. 1. (a) The department shall implement this chapter as a pilot program.

(b) This chapter applies only to counties selected as participants in the pilot program by the department.

Sec. 2. (a) The department shall serve a notice of financial responsibility to an:

- (1) obligee; and**
- (2) obligor who:**
 - (A) owes child support under an existing child support order;**
 - (B) is responsible for the support of a child; or**
 - (C) is an alleged biological parent.**

(b) The notice under subsection (a) must include the following information:

- (1) A statement that the obligor is required to appear at the date, time, and location stated in the notice for a negotiation conference to determine the obligor's child support obligation.**
 - (2) A statement that in the absence of an executed paternity affidavit, the obligor may request a genetic test and that if a genetic test is not:**
 - (A) obtained before the legal establishment of paternity; and**
 - (B) submitted into evidence before the entry of the final order establishing paternity;**
- a genetic test may not be allowed into evidence at a later date.**

(3) A statement that the department will issue a default order as described under section 7(a) of this chapter if:

- (A) the obligor fails to:**
 - (i) appear for the negotiation conference; or**
 - (ii) reschedule the negotiation conference before the date stated in the notice; and**
- (B) one (1) or both of the following apply:**
 - (i) The obligor executed a paternity affidavit.**
 - (ii) The results of the genetic test indicate at least a ninety-nine percent (99%) probability that the man is the child's biological father.**

(4) A statement that the department shall issue a default order as described under section 7(b) of this chapter if:

- (A) the obligor fails to:**
 - (i) appear for the negotiation conference; or**
 - (ii) reschedule a negotiation conference before the date stated in the notice; or**
- (B) the obligor fails to:**
 - (i) take a genetic test as ordered by the department; or**
 - (ii) appear for an appointment to take a genetic test without good cause.**

(5) A statement that a default order will be filed with the clerk of the court as described under section 15 of this chapter and that after the default order is filed with the clerk of the court, the default order has all the force, effect, and remedies of an order of the court.

(6) The following:

- (A) The name of the obligee.**
- (B) The name and birth date of the child for whom support is being sought.**

(7) A statement that the department will apply the child support guidelines to determine the obligor's weekly child support obligation.

(8) A statement that in calculating the amount of the obligor's weekly child support obligation under the child support guidelines, the department will calculate the weekly child support obligation using the parties' income information and that in the absence of income information, the department may calculate the obligor's weekly child support obligation using the current minimum wage for a forty (40) hour work week.

(9) A statement that the department may issue an administrative subpoena to obtain:

- (A) income information; and**
- (B) other information relevant for establishing and enforcing a child support obligation.**

(10) A statement that the department may enter a temporary order requiring the obligor to pay child support in an amount established by applying the child support guidelines.

(11) If applicable, a statement that the amount of arrears that has accrued under an order for child support.

(12) A statement that fees and costs associated with the collection of child support may be assessed against and collected from the obligor.

(13) If applicable, a statement that foster care maintenance may be collected against the obligor.

(14) The interest that may be applied on late child support payments.

(15) A statement that the obligor may assert one (1) or more of the following objections in the negotiation conference, and that if an objection is not resolved, the department will schedule an administrative hearing on the matter:

- (A) The obligor is not the parent of the dependent child.**

(B) The dependent child has been adopted by a person other than the obligor.

(C) The dependent child is emancipated.

(D) There is an existing order of child support that establishes the obligor's weekly child support obligation.

(16) A statement that medical support will be established in accordance with IC 31-16-6-4.

(17) A statement that the department may review and adjust an order for child support in accordance with the:

(A) child support guidelines; and

(B) state laws.

(18) A statement that the obligor is responsible for notifying the department of a change in the obligor's address or employment not later than ten (10) days after the date of the change.

(19) Instructions on contacting the department if the obligor has any questions.

(20) A statement that the obligor has the right to:

(A) consult with an attorney; and

(B) be represented by an attorney at the negotiation conference.

(21) Other information necessary as determined by the department.

(c) The department shall serve a notice of financial responsibility under this section to the obligor and obligee in the same manner as prescribed under Rule 4.1 of the Indiana Rules of Trial Procedure.

Sec. 3. (a) The department shall schedule a negotiation conference not more than thirty (30) days after the date the department issues the notice of financial responsibility under section 2 of this chapter.

(b) Except as provided in section 14 of this chapter, an obligor or obligee who has been served with a notice of financial responsibility under section 2 of this chapter shall:

(1) appear for the negotiation conference at the date, time, and location set forth in the notice of financial responsibility; or

(2) reschedule the negotiation conference with the department before the date of the negotiation conference as set forth in the notice of financial responsibility.

(c) The department shall reschedule a negotiation conference as established in rules adopted by the department under IC 4-22-2.

(d) If a negotiation conference is rescheduled, the department shall provide notice to the obligor and obligee of the new date and time of the negotiation conference in the same manner as prescribed under Rule 4.1 of the Indiana Rules of Trial Procedure.

Sec. 4. (a) If the parties stipulate to an agreement of a child support obligation at the negotiation conference, the department shall issue an order of child support that includes the following:

(1) The amount of the obligor's weekly child support obligation.

(2) If applicable, the amount of the obligor's child

support arrearage.

(3) Instructions on the manner in which the amount under subdivision (1) or (2) must be paid.

(4) The name, birth date, and residential and mailing address of the:

(A) obligor;

(B) obligee; and

(C) child for whom support is being sought.

(b) If the department issues an order under this section, the order shall:

(1) provide:

(A) that the mother shall have sole legal custody of the child unless the mother and father agree to an alternative custody arrangement; or

(B) if the mother and father agree to an alternative custody arrangement, the alternative custody arrangement; and

(2) establish:

(A) parenting time in accordance with the parenting time guidelines adopted by the Indiana supreme court unless the mother and father agree to an alternative parenting time arrangement; or

(B) if the mother and father agree to an alternative parenting time arrangement, the alternative parenting time arrangement.

(c) If the department issues an order under this section, both parents have the same right to access any records of the child that a parent may access under the law.

(d) The department shall serve an order under this section on the obligor and obligee in the same manner as prescribed under Rule 4.1 of the Indiana Rules of Trial Procedure.

Sec. 5. (a) If:

(1) the parties do not stipulate to an agreement at the negotiation conference; and

(2) in the absence of an executed paternity affidavit, the obligor contests paternity;

the department shall issue an order for genetic testing of the obligor and continue the negotiation conference to allow for the receipt of the genetic test results.

(b) If the department issues an order for genetic testing under this section, the department:

(1) shall pay the costs associated with the genetic test; and

(2) may recover the costs described under subdivision (1) from the:

(A) alleged father if paternity is established; or

(B) obligee if paternity is not established.

(c) If the:

(1) department orders genetic testing under subsection (a); and

(2) results of the genetic test do not indicate at least a ninety-nine percent (99%) probability that the man is the child's biological father;

the department may dismiss the action or take other appropriate action as allowed by law.

(d) The department shall serve the order for genetic testing to the obligor and obligee in the same manner as prescribed under Rule 4.1 of the Indiana Rules of Trial

Procedure.

Sec. 6. (a) The department shall issue a temporary order of child support if:

- (1) the parties do not stipulate to an agreement at the negotiation conference; and
- (2) one (1) or both of the following apply:
 - (A) The obligor has executed a paternity affidavit.
 - (B) The results of the genetic test indicate at least a ninety-nine percent (99%) probability that the man is the child's biological father.

(b) If the department issues a temporary order under subsection (a), the department shall:

- (1) file information with the clerk of the court as required under section 15(b)(2) of this chapter; and
- (2) request an administrative hearing with an administrative law judge.

(c) The department shall serve the temporary order of child support to the obligor and obligee in the same manner as prescribed under Rule 4.1 of the Indiana Rules of Trial Procedure.

Sec. 7. (a) The department shall issue a default order establishing child support against the obligor if:

- (1) an obligor fails to:
 - (A) appear for the negotiation conference at the time and location set forth in the notice of financial responsibility; or
 - (B) reschedule the negotiation conference with the department before the date of the negotiation conference as set forth in the notice of financial responsibility; and
- (2) one (1) or more of the following apply:
 - (A) The obligor has executed a paternity affidavit.
 - (B) The results of the genetic test indicate at least a ninety-nine percent (99%) probability that the man is the child's biological father.

(b) If, in an action to establish paternity and a child support obligation, the:

- (1) obligor fails to:
 - (A) appear for the negotiation conference at the time and location set forth in the notice of financial responsibility; or
 - (B) reschedule the negotiation conference with the department before the date of the negotiation conference as set forth in the notice of financial responsibility; or
- (2) obligor fails to:
 - (A) take a genetic test as ordered by the department; or
 - (B) appear for an appointment to take a genetic test without good cause;

the department shall issue a default order of paternity and child support.

(c) A default order issued under subsection (a) or (b) must include the following:

- (1) The amount of the obligor's weekly child support obligation.
- (2) If applicable, the amount of the obligor's child support arrearage.

(3) Instructions on the manner in which the amount under subdivision (1) or (2) must be paid.

(4) The following:

- (A) Name of the obligee.
- (B) Name and birth date of the child for whom support is being sought.
- (5) For a default order establishing paternity, a statement that the obligor has been determined to be the child's biological father.
- (6) Other information necessary as determined by the department.

(d) The department shall serve a default order issued under this section to the obligor and obligee in the same manner as prescribed under Rule 4.1 of the Indiana Rules of Trial Procedure.

(e) If the department enters a default order under this section, the department, obligor, or obligee may request an administrative hearing on the default order as established in rules adopted by the department under IC 4-22-2.

Sec. 8. (a) Upon request by the department, an obligor, or an obligee under section 7(e) of this chapter, the department shall assign an administrative law judge to hold an administrative hearing on the issue of paternity, if applicable, and child support.

(b) The department shall send notice of the administrative hearing to the obligor and obligee in the same manner as prescribed under Rule 4.1 of the Indiana Rules of Trial Procedure.

Sec. 9. (a) An administrative law judge may not issue a decision as to the validity of a pre-existing court order. However, the department or an administrative law judge may review and adjust an existing child support order in accordance with:

- (1) the child support guidelines; and
- (2) state law.

(b) An administrative law judge shall determine the matter of paternity, if applicable, and child support de novo.

(c) An administrative law judge shall include written findings and conclusions in an order issued by the administrative law judge under this chapter.

(d) An order issued by an administrative law judge shall be served upon the obligor and obligee in the same manner as prescribed under Rule 4.1 of the Indiana Rules of Trial Procedure.

Sec. 10. (a) The department or an administrative law judge shall determine the amount of a child support obligation under this chapter by applying the child support guidelines.

(b) The department or an administrative law judge may issue an administrative subpoena requesting:

- (1) income information; or
- (2) other information relevant for establishing and enforcing an order for child support.

Sec. 11. (a) If a paternity affidavit is executed under IC 16-37-2-2.1, the:

- (1) mother has sole legal custody of the child; and
- (2) father has reasonable parenting time rights in accordance with the parenting time guidelines adopted by the Indiana supreme court;

unless another custody or parenting time determination is made by a court under IC 31-14.

(b) If a genetic test is requested after the execution of a paternity affidavit, a court shall order that the genetic test be paid:

- (1) from the county general fund of the county in which the child support proceeding occurs; or
- (2) by the party who requested the genetic test.

(c) The county shall pay an order issued under subsection (b)(1) without an appropriation.

Sec. 12. (a) An obligor or obligee may file a written request with the department for the review and adjustment of:

- (1) a court order for child support; or
- (2) an order for child support issued under this chapter.

(b) The department, not later than thirty (30) days after receipt of a request for review and adjustment of child support under this section, shall:

- (1) if the department objects to the request for review and adjustment of child support based upon the failure to meet the requirements under IC 31-16-8-1 or the child support guidelines, notify the requesting party that the request has been denied and advise the party of the party's right to request an administrative hearing; or
- (2) if the department does not object to the party's request, issue a notice of review and adjustment of child support.

(c) If a party requests an administrative hearing under this section, the administrative law judge shall:

- (1) hold an administrative hearing not later than ninety (90) days after the administrative law judge receives the request; and
- (2) determine only the issue of adjustment of child support.

(d) The department shall serve the obligor and obligee with a notice of review and adjustment of child support in the same manner as prescribed under Rule 4.1 of the Indiana Rules of Trial Procedure.

(e) A request for review and adjustment of child support shall not stay an order for child support issued by the department under this chapter.

Sec. 13. (a) A party may seek judicial review of an order by an administrative law judge under this chapter not later than fifteen (15) calendar days after the postmark date on the order issued by the administrative law judge.

(b) A party may seek judicial review of an order issued under section 4 of this chapter establishing custody of a child and parenting time.

(c) The clerk of the court shall send a notice of the appeal that includes the date and time of the hearing to the:

- (1) appellant;
- (2) appellee;
- (3) department; and
- (4) Title IV-D prosecuting attorney in the county in which the appeal was filed.

(d) A court shall hear an appeal under this section de novo.

Sec. 14. (a) If the department, at the request of another

state's child support agency, is acting on behalf of a nonresident obligee, the nonresident obligee is not required to appear at a negotiation conference or an administrative hearing under this chapter.

(b) The department may:

- (1) take evidence related to a child support obligation from a nonresident obligee by telephone deposition; and
- (2) present the evidence at a negotiation conference or an administrative hearing under this chapter.

Sec. 15. (a) The department shall file the information described in subsection (b) with the following:

- (1) The clerk of the court in which an action relating to child support for a child is pending.
- (2) If there is not an action relating to child support for a child pending in a court, the clerk of the court in the county in which the notice of financial responsibility under section 2 of this chapter was issued.

(b) The department shall file the following with a clerk of the court described under subsection (a):

(1) If the department issues an order of child support under section 4 of this chapter, the following:

- (A) A copy of the order.
- (B) Proof of service of the order described under clause (A).
- (C) A copy of one (1) of the following:
 - (i) An executed paternity affidavit.
 - (ii) A genetic test.

(2) If the department issues a temporary order under section 6 of this chapter, the following:

- (A) A copy of the temporary order.
- (B) Proof of service of the temporary order.

(3) If the department issues a default order under section 7 of this chapter, the following:

- (A) A copy of the default order.
- (B) Proof of service of the:
 - (i) notice of financial responsibility; and
 - (ii) default order.

(C) If applicable, a copy of the:

- (i) paternity affidavit; or
- (ii) result of the genetic test.

(4) If an administrative law judge issues an order establishing paternity and child support under section 9 of this chapter, the following:

- (A) A copy of the order establishing paternity and child support.
- (B) The:
 - (i) paternity affidavit; or
 - (ii) if applicable, genetic test results.

(c) The clerk shall:

- (1) stamp the date of receipt of a copy of an order establishing paternity, if applicable, and child support under this chapter; and
- (2) assign the order described under subdivision (1) with a cause number.

(d) An order of child support filed under this section has all the force, effect, and remedies of an order of the court.

Sec. 16. The department shall adopt rules under IC 4-22-2 to administer this chapter.

SECTION 12. [EFFECTIVE UPON PASSAGE] (a) **Notwithstanding IC 31-25-5, as added by this act, the department of child services shall adopt rules to administer IC 31-25-5, as added by this act, before January 1, 2009.**

(b) **This SECTION expires July 1, 2009.**

SECTION 13. **An emergency is declared for this act.**

(Reference is to SB 105 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Corrections, Criminal and Civil Matters.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 111, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 20-26-13-10, AS AMENDED BY P.L.229-2007, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10. Except as provided in section 11 of this chapter, the four (4) year graduation rate for a cohort in a high school is the percentage determined under STEP FIVE of the following formula:

STEP ONE: Determine the grade 9 enrollment at the beginning of the reporting year three (3) years before the reporting year for which the graduation rate is being determined.

STEP TWO: Add:

(A) the number determined under STEP ONE; and

(B) the number of students who:

(i) have enrolled in the high school after the date on which the number determined under STEP ONE was determined; and

(ii) have the same expected graduation year as the cohort.

STEP THREE: Subtract from the sum determined under STEP TWO the number of students who have left the cohort for any of the following reasons:

(A) Transfer to another public or nonpublic school.

(B) Removal by the student's parents under IC 20-33-2-28 to provide instruction equivalent to that given in the public schools.

(C) Withdrawal because of a long term medical condition or death.

(D) Detention by a law enforcement agency or the department of correction.

(E) Placement by a court order or the department of child services.

(F) Enrollment in a virtual school.

(G) Leaving school, if the student attended school in Indiana for less than one (1) school year and the location of the student cannot be determined.

(H) Leaving school, if the location of the student cannot be determined and the student has been reported to the

Indiana clearinghouse for information on missing children.

(I) Withdrawing from school before graduation, if the student is a high ability student (as defined in IC 20-36-1-3) who is a full-time student at an accredited institution of higher education during the semester in which the cohort graduates.

STEP FOUR: Determine the total number of students **determined under STEP TWO** who have graduated during the current reporting year **or a previous reporting year.**

STEP FIVE: Divide:

(A) the number determined under STEP FOUR; by

(B) the remainder determined under STEP THREE.

SECTION 2. IC 20-26-13-10.7, AS ADDED BY P.L.229-2007, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 10.7. For purposes of determining a graduation rate under sections 10, 10.2, and 10.5 of this chapter, a student may be counted as **a member of only one (1) cohort and as graduating during only during any one (1) reporting year.**

SECTION 3. IC 20-26-13-12, AS AMENDED BY P.L.229-2007, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 12. For each high school, the department shall calculate an estimated graduation rate that is determined by the total number of graduates for the reporting year divided by the total number of students enrolled in grade 9 at the school three (3) years before the reporting year. For any school where the difference between the estimated graduation rate and the number determined under ~~STEP SEVEN FIVE~~ of section 10 of this chapter is more than five percent (5%), the department shall request the data used in determining that the missing students are classified under one (1) or more of clauses (A) through (I) of STEP THREE of section 10 of this chapter.

(Reference is to SB 111 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Education and Career Development.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Senate Bill 257, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

FORD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 211, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 8, strike "and".

Page 1, line 9, delete ";" and insert "**or IC 35-35-3;**

(5) the abstract of judgment;

(6) the judgment of conviction; and

(7) the sentencing order;".

Page 1, line 12, delete "a validated" and insert "**any**".

Page 1, line 17, delete "a validated" and insert "**any**".

(Reference is to SB 211 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 62, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill 56, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill 121, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 20, delete "The" and insert "**Subject to subsection (e), the**".

(Reference is to SB 121 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill 198, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new

paragraph and insert:

"SECTION 1. IC 4-6-2-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 12. The attorney general shall establish a schedule of uniform rates and charges allowed to be charged by a towing service for the cost of the services related to the removal, storage, and disposal of an abandoned vehicle as required under IC 9-22-1-4.5.**

SECTION 2. IC 9-13-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 1. (a) "Abandoned vehicle" means the following:**

(1) A vehicle located on public property illegally.

(2) A vehicle left on public property without being moved for three (3) days.

(3) A vehicle located on public property in such a manner as to constitute a hazard or obstruction to the movement of pedestrian or vehicular traffic on a public right-of-way.

(4) A vehicle that has remained on private property without the consent of the owner or person in control of that property for more than forty-eight (48) hours.

(5) A vehicle from which the engine, transmission, or differential has been removed or that is otherwise partially dismantled or inoperable and left on public property.

(6) A vehicle that has been removed by a towing service or public agency upon request of an officer enforcing a statute or an ordinance other than this chapter if the impounded vehicle is not claimed or redeemed by the owner or the owner's agent within twenty (20) days after the vehicle's removal.

(7) A vehicle that is at least three (3) model years old, is mechanically inoperable, and is left on private property continuously in a location visible from public property for more than twenty (20) days.

(b) The term includes a vehicle that is:

(1) ordered to be towed or transported:

(A) from a highway, a street, or an adjacent area of a highway or street by a law enforcement officer; or

(B) from private property by the owner, lessee, or manager of the property; or

(2) towed or transported by a towing service in an arrangement made by a law enforcement officer or law enforcement agency with the towing service."

Page 2, line 6, delete "bureau" and insert "**attorney general**".

Page 2, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 4. IC 9-22-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 8. If the properly identified person who owns or holds a lien on a vehicle appears at the site of storage before disposal of the vehicle or parts and pays:**

(1) all costs incurred against the vehicle or parts at that time; or

(2) the amount that would be owed against the vehicle or parts under the rates and charges for services established under section 4.5(a) of this chapter;

the vehicle or parts shall be released."

Page 4, line 9, delete "bureau of".

Page 4, line 10, delete "motor vehicles" and insert "**attorney**

general".

Page 4, line 13, delete "commissioner of" and insert "**attorney general**".

Page 4, delete line 14.

Renumber all SECTIONS consecutively.

(Reference is to SB 198 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

RIEGSECKER, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 14

Senate Concurrent Resolution 14, introduced by Senators Deig and Becker:

A CONCURRENT RESOLUTION recognizing the Evansville Reitz High School football team on their Class 4A IHSAA State Football Championship.

Whereas, The Reitz High School Panthers won the Class 4A IHSAA State Football Championship;

Whereas, The Reitz High School Panthers, under the leadership of head coach John Hart went undefeated this past season;

Whereas, The Panthers had an impressive playoff season winning all three Sectional games and the Regional game;

Whereas, Five of the team members were an Academic All-State member and 26 of the team members were an Academic All-City member;

Whereas, 33 of 89 team members are taking Honors or AP classes and three team members have 4.0 GPA's. At least 60 of the team members have at least a 3.0 GPA: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana General Assembly hereby recognizing the Evansville Reitz High School football team on their Class 4A IHSAA State Football Championship.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this resolution to Evansville Reitz High School and John Hart.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Van Haaften.

Senate Concurrent Resolution 13

Senate Concurrent Resolution 13, introduced by Senators Deig and Becker:

A CONCURRENT RESOLUTION recognizing Indiana's Mr. Football, Paul McIntosh, from Reitz High School football team.

Whereas, Paul McIntosh, captain and senior quarterback for Reitz High School, was named Indiana's Mr. Football;

Whereas, Mr. McIntosh was responsible for 340 points during the 2007 season and for five touchdowns in the State Title game;

Whereas, Mr. McIntosh was Gatorade Player of the Year for Indiana and Sports Illustrated "Faces in the Crowd" Dec. 3, 2007, and was IFCA Top 50 and Bloomington Herald Top 33;

Whereas, Mr. McIntosh has a 3.8 GPA and is on the Honor Roll as Magna Cum Laude;

Whereas, Mr. McIntosh is an officer and Student Council Representative; class officer; in the National Honor Society and is involved in numerous other activities both in school and in the community: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana General Assembly hereby recognizing Indiana's Mr. Football, Paul McIntosh.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this resolution to Paul McIntosh and Evansville Reitz High School.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Van Haaften.

House Concurrent Resolution 3

House Concurrent Resolution 3, sponsored by Senator Lubbers:

A CONCURRENT RESOLUTION memorializing Dr. Russell Blowers.

Whereas, Born in Zanesville, Ohio, in June 1924, Dr. Russell Blowers became pastor of East 49th Street Christian Church in Indianapolis in 1951, making him the longest-serving minister of one of central Indiana's largest congregations;

Whereas, Dr. Blowers served in London in the Army Air Corps during World War II;

Whereas, After his tour of duty, Dr. Blowers enrolled in Ohio University as a journalism-advertising major;

Whereas, It was during his time at Ohio University that Dr. Blowers met his future wife, Marian, who introduced him to his faith;

Whereas, After graduation from Ohio University, Dr. Blowers received a master's of divinity degree from Christian Theological

Seminary and a doctorate of divinity degree from Milligan College;

Whereas, Dr. Blowers became the 19th pastor of the East 49th Street Christian Church in Indianapolis in 1951;

Whereas, Under his guidance, the church grew and prospered, moving first to a larger building across the street and to its current location in 1977;

Whereas, Dr. Blowers retired in 1996 after serving his congregation for more than four decades;

Whereas, A friend of the Rev. Billy Graham, Dr. Blowers helped bring Rev. Graham to Indianapolis three times and was invited by Rev. Graham to speak in North Carolina; and

Whereas, Although Dr. Blowers often counseled the famous and the powerful, he was totally devoted to his congregation and its spiritual needs: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly expresses its deepest sympathy to the family of Dr. Russell Blowers and its profound gratitude for his life of dedicated service to his church, his congregation, and his state.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to his family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move that Senator Tallian be added as coauthor of Senate Bill 51.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as coauthor of Senate Bill 267.

CHARBONNEAU

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as coauthor of Senate Bill 97.

DROZDA

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Drozda be added as coauthor of Senate Bill 62.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Sipes be added as second author of Senate Bill 155.

MILLER

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 2

House Concurrent Resolution 2, sponsored by Senators Alting and Hershman:

A CONCURRENT RESOLUTION recognizing Raymond C. Ewry.

Whereas, Raymond C. Ewry won more gold medals than anyone in Olympic history;

Whereas, Raymond C. Ewry amassed a total of ten gold medals in four Olympiads: three in the 1900 Olympics held in Paris, three in the 1904 Olympics held in St. Louis, two in the 1906 Olympics held in Athens, and two in the 1908 Olympics held in London;

Whereas, Raymond C. Ewry, nicknamed the Human Frog for his incredible leaping ability, was born in Lafayette on October 14, 1873;

Whereas, At the age of five, Raymond was orphaned, and at the age of seven he was diagnosed with polio;

Whereas, Told that he may never walk again and confined to a wheelchair, Raymond C. Ewry overcame his handicap through sheer persistence and leg strengthening jumping exercises;

Whereas, In 1890 Raymond C. Ewry enrolled at Purdue University to study mechanical engineering, and at Purdue he played football and was captain of the track team;

Whereas, Raymond C. Ewry led Purdue University to its first track title, breaking world records in standing high jump, standing long jump, and standing triple jump;

Whereas, Between 1898 and 1910 Raymond C. Ewry captured 15 national championships in the standing events;

Whereas, After receiving a graduate degree in engineering at Purdue, he became a member of the New York Athletic Club;

Whereas, A hydraulics engineer by profession, Raymond C. Ewry competed until he was almost 40 years old;

Whereas, At the age of 39, Raymond C. Ewry made a bid for the 1912 Olympic team but fell short;

Whereas, In 1983 Raymond C. Ewry was elected to the United States Olympic Hall of Fame; and

Whereas, Raymond C. Ewry, who overcame great adversity to become recognized as the best standing jumper in the world, stands as a shining example to all athletes and citizens of the world of the things that can be accomplished through will power and determination: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes the great athletic ability of Raymond C. Ewry and honors his legacy.

SECTION 2. That the Indiana General Assembly urges Purdue University to honor Raymond C. Ewry by naming a building, a sports venue, or a street on the Purdue campus in honor of Raymond C. Ewry, recognizing his accomplishments, and honoring the fact that he was a graduate of Purdue University.

SECTION 3. That the Indiana General Assembly urges the Tippecanoe County Historical Society to apply to the Indiana Department of Natural Resources for a historical marker or plaque to be placed in front of the boyhood home of Raymond C. Ewry.

SECTION 4. That the Indiana General Assembly urges the Indiana State Museum to commemorate the achievements of Raymond C. Ewry in the state museum.

SECTION 5. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the France A. Cordova, president of Purdue University, the Tippecanoe County Historical Society, the commissioner of the Indiana Department of Natural Resources, and the Indiana State Museum.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move that Senator Long be removed as author of Senate Bill 93 and that Senator Riegsecker be substituted therefor.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be removed as author of Senate Bill 98 and that Senator Waterman be

substituted therefor.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be removed as author of Senate Bill 102 and that Senator Lawson be substituted therefor.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be removed as author of Senate Bill 105 and that Senator Steele be substituted therefor.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be removed as author of Senate Bill 111 and that Senator Lubbers be substituted therefor.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senate Bill 67, assigned to the Senate Committee on Judiciary, be withdrawn from further consideration by the Senate.

TALLIAN

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 3 and the same is herewith transmitted for further action.

CLINTON MCKAY
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Weatherwax be removed as second author of Senate Bill 351.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Nugent be removed as author of Senate Bill 351 and that Senator Weatherwax be substituted therefor.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Weatherwax be removed as second author of Senate Bill 345.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Jackman be removed as author of Senate Bill 345 and that Senator Weatherwax be substituted therefor.

JACKMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Weatherwax be removed as second author of Senate Bill 344.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Jackman be removed as author of Senate Bill 344 and that Senator Weatherwax be substituted therefor.

JACKMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Hershman, Alting, Paul, Landske, and Meeks be added as coauthors of Senate Bill 250.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, January 15, 2008.

LONG

Motion prevailed.

The Senate adjourned at 2:23 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate